REMARKS

Applicant has thoroughly considered the Examiner's remarks in the January 16, 2007 Office action and has amended the application to more clearly set forth the invention. By this Amendment A, Applicant amends claims 1, 22, 23, 37, 38, and 42-25.

Claims 1-45 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. §101

Claims 22, 37, and 42-45 stand rejected under 35 U.S.C. §101 as being directed to non-statutory matter. The Office asserts that "[c]ommunications media, such as carrier waves or modulated signals, lack the necessary physical articles or objects that constitute a machine or manufacture within the meaning 35 U.S.C. §101."[1] To advance prosecution, Applicant has amended claims 22, 37, and 42-45 to recite a "computer-readable *storage* media." Thus, Applicant respectfully submits that amended claims 22, 37, and 42-45are patentable subject matter within the scope of 35 U.S.C. §101.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 1-45 stand rejected under 35 U.S.C. §102(e) as being anticipated by Barzilai et al (US Patent Publication No. 2002/0104015). However, a claim is anticipated only if each and every element as set forth in the claim is disclosed, either expressly or inherently in a single prior art reference.[2] Applicant respectfully submits that each and every element as set forth in the recited claims is not found, either expressly or inherently in the Barzilai reference. Thus, the Barzilai reference does not anticipate the claims.

Barzilai merely discloses managing privacy policies for an enterprise.[3] In particular, an enterprise privacy manager receives and stores privacy policies with regard to each of a plurality of nodes (e.g., web pages) in an information exchange structure (e.g., web site) maintained by

---

[1] Office action, page 2.
[2] M.P.E.P. § 2131. *See also Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373, 1379 (Fed. Cir. 2003) (citing *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987)).
[3] Barzilai, paragraph [0059].

the enterprise.[4] For each user, there is an associated list of nodes whose policies the user has accepted.[5] The accepted policies include a timestamp representing the time of user acceptance.[6] "The timestamp parameter is important in order to assure that the policy is 'immutable.'"[7] "This structure enables the EPM subsequently to reconstruct each of the policies accepted by the user and to check whether the policy has changed since the user's last visit."[8] When a user visits a node and there has been a change in the node policy since the user's last visit, "it is necessary to solicit the user's agreement to the change."[9] Accordingly, the old and current policies are displayed to the user "in a way that enables the user to see the changes that have been made."[10]

In contrast, the present invention manages permissions for applications or sites to use information associated with a user. According to the method of claim 1, a user is identified in connection with an application requesting to use selected information associated with the user according to a predefined policy. If the user previously granted permission for the application to use the selected information according to the policy, method 1 includes "determining whether one or more changes have been made to the policy since the permission was previously granted and whether the user should be notified of said changes." Additionally, method 1 includes "notifying the user if determined that a change has been made to the policy since the permission was previously granted for the application and that the user should be notified of said change.

This is completely different from the method taught by Barzilai. Barzilai fails to teach or suggest determining whether the user should be notified of policy changes and notifying the user accordingly. Instead, Barzilai uses a timestamp to track the policy and determine if any change has been made to the policy. If any change has been made to the policy, Barzilai requires the user to be notified. Because Barzilai fails to determine whether notification of a change is desired, Barzilai fails to provide many advantages associated with the present invention. For example, aspects of the present invention allow users to efficiently manage the changing policies of different content providers. In one embodiment, the present invention uses a plurality of information to determine whether the user should be notified of any policy changes.[11] Such

---

[4] Barzilai, paragraph [0011], [0013].
[5] Barzilai, paragraph [0092].
[6] Barzilai, paragraph [0087].
[7] Barzilai, paragraph [0087].
[8] Barzilai, paragraph [0092].
[9] Barzilai, paragraph [0094].
[10] Barzilai, paragraph [0096].
[11] Application, paragraph [0050].

notification elements include grace period start and end dates, change content, and current terms of use version number.[12] Additionally the user may choose to turn off the notification process.[13] Considering such information in determining whether the user should be notified of policy changes allows the user to focus on particular policy changes rather than having to labor through policies each time any slight change is made. Thus, the present invention makes users' consent process related to the changing policies less laborious and easier to implement. Furthermore, the present application customizes the consent process to the particular user by allowing the user to request not to be notified with respect to particular policies.

As such, Barzilai fails to disclose or suggest each and every limitation of amended claim 1. Accordingly, Applicant submits that the rejection of amended claim 1 under 35 U.S.C. §102(e) should be withdrawn.

Amended claims 23, 38, and 42 include limitations similar to those included in amended claim 1. Specifically, amended claims 23, 38, and 42 relate to <u>determining whether the user has requested notification of policy changes and notifying the user accordingly</u>. Claim 23 is directed to a method of managing consent and recites, in part, "<u>determining whether the user has requested notification of the change in the policy version</u>" and "providing a user interface . . . to notify the user of the change in the policy version in response to determining that the user has requested the notification." Claim 38 is directed to an authentication system comprising an "authentication server configured . . . to determine whether the user has requested notification of policy version changes, and . . . notifying the user when . . . the user has requested notification of the policy version changes." Claim 42 is directed to tangible computer-readable media having computer executable components including "a re-consent component for determining whether the user has requested notification of policy version changes and notifying the user according to said request of one or more changes." Because Barzilai is entirely silent with respect to the feature of determining whether a user <u>should be notified of policy changes and notifying the user accordingly, Barzilai certainly fails to teach or suggest determining whether the user has requested notification of policy changes and notifying the user accordingly.</u>

As such, Applicant submits that Barzilai fails to disclose or suggest each and every limitation of amended claims 23, 38, and 42. Amended claim 23, 38, and 42 are additionally

---

[12] Application, paragraph [0050].
[13] Application, paragraph [0052].

allowable for at least the same reasons that amended claim 1 is allowable. The claims rejected that depend from amended independent claims 1, 23, 38, and 42 are allowable for at least the reasons that the independent claims from which they depend are allowable.

CONCLUSION

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that the Applicant may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicant's agreement therewith.

Applicant wishes to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Robert M. Bain/

Robert M. Bain, Reg.No. 36,736
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

RMB/NAS/tmg
Via EFS